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FILED

JUL 10 2008

U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA

DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KERMET DALE WEST,

Defendant.

COMPLAINT FOR VIOLATION OF:

TITLE 18, UNITED STATES CODE, SECTION
844(e) - Willfully Making a Threat to Use
Explosive Device

3:08-ms-0055-VPC

BEFORE the United States Magistrate Judge, Reno, Nevada, the undersigned complainant, being duly sworn, deposes and states:

On or about the 2nd day of July, 2008, in the District of Nevada, the defendant, KERMET DALE WEST, by means and use of an instrument of commerce, that is, the telephone, willfully threatened to kill, injure, or intimidate employees of the Social Security Administration Office, Reno, Nevada, and to unlawfully damage or destroy the Social Security Administration Office building in Reno, Nevada, by means of fire and explosives in violation of Title 18, United States Code, Section 844(e).

Complainant as a Special Agent with the Federal Protective Service states there is probable cause to arrest the above named Defendant as set forth in the attached affidavit.

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AFFIDAVIT

I, Timothy A. Rivero, Special Agent for the Department of Homeland Security, Federal Protective Service, being duly sworn, depose and state:

Introduction

1. I have been a Special Agent for the Federal Protective Service ("FPS") for approximately 5 years and have served in a federal law enforcement capacity as a Federal Police Officer in Miami, Florida; Atlanta, Georgia; and Fresno, California, for approximately thirteen years. As part of my responsibilities as a Special Agent with FPS, I have investigated cases involving threats to government officials, theft of government property, burglary, destruction of government property, vandalism, and other federal offenses occurring within federal jurisdiction. I have received basic and advanced law enforcement training pertinent to these types of crimes at the Federal Law Enforcement Training Center in Glynco, Georgia.
2. This Affidavit is submitted in support of the criminal Complaint charging KERMET DALE WEST with threatening government employees via interstate communications, to wit: on 2 July 2008, WEST placed an interstate call to the Social Security Administration ("SSA") threatening to use an explosive device to destroy the SSA office and injure the employees thereof, located at 1170 Harvard Way, Reno, Nevada, all in violation of Title 18, United States Code, Section 844(e).
3. My review of records indicates that WEST has been assigned Social Security Number 565-29-1870 and his date of birth is 9 October 1963. This information accords with that given by interviewees.
4. The information and statements contained within this Affidavit are based upon my personal investigation of the matter, information that has been provided to me directly or indirectly by agents and investigators with other law enforcement entities, and my experience and training as a Special Agent.

Applicable Law: 18 U.S.C. § 844(e)

5. Title 18, United States Code, Section 844(e) reads: "Whoever through the use of the mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned not more than 10 years or fined under this title, or both."

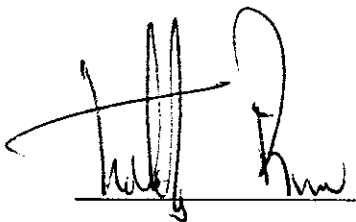
Verbal Threat to Use an Explosive Device Against the Employees and the Government Facility of the Social Security Administration Office, Reno, Nevada

6. On July 2, 2008, at approximately 12:30 p.m., Marjorie Ferguson, an employee at the SSA tele-service center located in Baltimore, Maryland, received a call from WEST. Ferguson confirmed that she was speaking to WEST, and not another person, by asking WEST to provide the following information: his name, his Social Security Number, his mother's maiden name, his date of birth, his place of birth, his address, and his telephone number. WEST provided the correct answers to each of these questions, so the call continued.
7. Ferguson stated that during the telephone conversation WEST became irate regarding the federal stimulus package refund that he did not receive because of a previous SSA overpayment in benefits. WEST stated, "I'm tired of the government taking my money. I'm going to place a bomb on the roof of the Reno (SSA) Office tonight (2 July 2008). WEST stated, "I've got friends and we'll straighten out the government taking my money." WEST continued to say that he would, "I'll straighten all of you out."
8. Immediately following WEST's call, Ferguson stated that she immediately contacted the Reno, Nevada, SSA Office to relay WEST's threatening statement. According to Ferguson, she relayed the information directly to the Reno, Nevada, SSA District Manager Becky Archer, regarding the threat.

9. At approximately 1:15 p.m., on 2 July 2008, SSA District Manager Becky Archer contacted, via telephone, the Denver Mega Center ("DMC"), located in Denver, Colorado, regarding WEST's threat. DMC then contacted, via telephone, Inspector James Hile, of the Reno office of FPS, and advised him that WEST had contacted the SSA tele-service center in Baltimore, Maryland, and threatened, "I'm going to place a bomb on the roof of the Reno office tonight."
10. At approximately 3:53 p.m., on 2 July 2008, I contacted DHS / FPS Special Agent David Skultety, who is currently assigned to the Las Vegas Federal Bureau of Investigations Joint Terrorism Task Force to obtain further information on WEST. Agent Skultety provided me with his current address, his criminal history, and his current Nevada identification photo.
11. At approximately 5:30 p.m., on 2 July 2008, I contacted the Reno Police Department to request the assistance of their law enforcement. At 6:10 p.m., Officer Scott Neilson contacted me and requested further information on the suspect WEST. I provided Officer Neilson with WEST's date of birth, his address, his criminal history, and his physical description. Officer Neilson advised that the Reno Police Department would attempt to locate WEST and if successful they would place in custody on a no-bail warrant.
12. At approximately 7:13 p.m., on 2 July 2008, I was contacted by Reno Police Sergeant Marty Wright who advised me that the address provided was not associated with WEST and the Reno Police Department would make sure that they had extra police patrols within the vicinity of the SSA office during the evening to prevent any occurrences from happening.

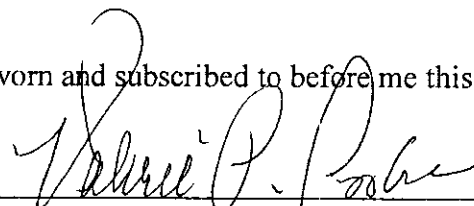
Probable Cause Statement

13. Based on the information within this affidavit there is sufficient probable cause to believe that KERMET DALE WEST knowingly and willfully transmitted in interstate commerce a communication containing a threat to kill, injure or intimidate an individual and unlawfully damage or destroy any building, vehicles or other real property by means of fire or explosive, in violation of Title 18, United States Code, Section 844(e).

A handwritten signature in black ink, appearing to read 'Timothy Rivero', written over a horizontal line.

Timothy Rivero
Special Agent
Department of Homeland Security
Federal Protective Service

Sworn and subscribed to before me this 10th day of July, 2008.

A handwritten signature in black ink, appearing to read 'Valerie P. Cooke', written over a horizontal line.

VALÉRIE P. COOKE
United States Magistrate Judge